

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MATTHEW CATALIN GRAY,  
*Plaintiff,*

v.

PAUL K. LAGANA, et al.,  
*Defendants.*

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CIVIL ACTION  
NO. 19-4858

**ORDER**

AND NOW, this 22<sup>nd</sup> day of January, 2020, upon consideration of Plaintiff Matthew Catalin Gray's Motion to Proceed *In Forma Pauperis* (ECF No. 6) and Amended Complaint (ECF No. 7), it is hereby ORDERED as follows:

1. Leave to proceed *in forma pauperis* is GRANTED pursuant to 28 U.S.C. § 1915.
2. Matthew Catalin Gray, #126231, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Bucks County Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Gray's inmate account; or (b) the average monthly balance in Gray's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Gray's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Gray's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.
3. The Clerk of Court shall SEND a copy of this Order to the Warden of the Bucks County Correctional Facility.
4. The Amended Complaint is DEEMED filed.
5. The Clerk of Court is DIRECTED to AMEND the caption in this matter to reflect that the only Defendant named in the Amended Complaint is the Philadelphia Prison System.
6. Paul K. Lagana is TERMINATED as a Defendant in this action because the Amended Complaint contains no claim against him.

7. The Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons in the Court's Memorandum accompanying this Order.
8. Gray is given leave to file a second amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible basis for a claim against an appropriate defendant. The second amended complaint shall be a complete document that: (1) does not rely on the initial Complaint or the Amended Complaint or other papers filed in this case to state a claim; (2) contains a short plain statement of the claims Gray seeks to pursue showing that he is entitled to relief; and (3) does not rely on attachments. When drafting his second amended complaint, Gray should be mindful of the Court's reasons for dismissing his Amended Complaint. Upon the filing of any second amended complaint, the Clerk of Court shall not make service until so ORDERED by the Court.
9. The Clerk of Court is DIRECTED to furnish Gray with a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number.
10. If Gray fails to file a second amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ C. Darnell Jones, II  
C. DARNELL JONES, II J.